

RESOLUTION NO. 11-82
RESOLUTION OF INTENTION TO CREATE RURAL SPECIAL
IMPROVEMENT MAINTENANCE DISTRICT TO BE KNOWN AS R.S.I.D. #798M
(WELLS GARDEN SUBDIVISION 1ST TO 4TH FILINGS - ROADS)

WHEREAS, a Petition signed by fifty-nine (59%) of the Freeholders of the proposed district has been submitted to the Board of County Commissioners for creation of a rural special improvement maintenance district (RSID) for the maintenance of roads and storm sewer located within the proposed boundaries, as shown in Exhibit A (map) in Yellowstone County, Montana; and,

WHEREAS, the boundaries of the district are described as Wells Garden Subdivision 1st Filing, 2nd Filing, 3rd Filing and 4th Filing Yellowstone County, Montana (Exhibit B) and,

WHEREAS, all of the costs of the district shall be assessed equally on a per lot or parcel method for existing and future lots or parcels; and,

WHEREAS, the roads in the proposed RSID have not had proper maintenance for extended period of time and are in need of significant repairs; and,

WHEREAS, an engineered estimate of repair and maintenance costs has not been completed in order to ascertain the needed timing and amount of funding; and

WHEREAS, the property owners desire to initiate the annual assessment at a level of \$200 per year per lot or parcel in order to create some funding to do some level of maintenance and engineering with available collected funds, with the awareness that the initial amount of annual assessment is insufficient to provide for adequate and complete maintenance and that future increases in assessments are likely in order to provide for adequate maintenance; and

WHEREAS, the property assessment amount is subject to adjustment and will be established annually by the Board of County Commissioners; and

WHEREAS, the district shall be considered a district to exist perpetually unless included within another district providing the same services or assumed by a municipality.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Yellowstone County, Montana, deeming the public interest or convenience require, and having received an adequate Petition for the creation of the rural special improvement maintenance district, intends to create the following described Rural Special Improvement Maintenance District:

1. **NUMBER OF DISTRICT.** The Rural Special Improvement Maintenance District shall be designated as District No. 798M.
2. **DESCRIPTION OF DISTRICT.** The exterior boundaries of the District are shown in Exhibit A and described in Exhibit B.
3. **DESCRIPTION OF IMPROVEMENTS, DESCRIPTION OF MAINTENANCE, METHOD OF ASSESSMENT AND ESTIMATED COSTS.** Assessments collected on behalf of this district shall be used for the maintenance of roads and storm sewer located within the district. All of the costs of the district shall be assessed equally for existing and future lots or parcels.

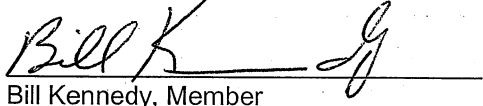
4. **DURATION.** The district shall be deemed to be perpetual in nature unless absorbed and replaced by another district or municipality.
5. **AD HOC COMMITTEE.** The Commissioners desire that an Ad Hoc Committee be appointed to make recommendations to the Commissioners with regard to the need for assessments to be made for maintenance, the amount of assessments, and how the assessments should be spent. The Commissioners initially appoint the attached list of individuals who are willing to serve on the Ad Hoc Committee (Exhibit C).
6. **HEARING.** A hearing on the intention to create the district shall be held on Tuesday, October 18, 2011, at 9:30 a.m., in the Commissioners' Board Room 403A, fourth floor, Yellowstone County Courthouse, 217 N. 27th Street, Billings, Montana.
7. **NOTICE.** The County Clerk and Recorder is authorized and directed to publish a copy of the Notice of Passage of Resolution of the Intention to Create in the Billings Outpost, a newspaper of general circulation printed and published in the City of Billings, Yellowstone County, Montana, on September 15th and 22nd, 2011; and to mail a copy to every person who is an owner or agent of every person, firm, or corporation owning property in the proposed District, listed in his name upon the last completed assessment roll, at his last known place of residence on the same day the Notice is first published.

PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana, this 13th day of September, 2011.


BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


John Ostlund, Chairman


James E. Reno, Member


Bill Kennedy, Member

(SEAL)
ATTEST:


Jeff Martin, Clerk & Recorder
Yellowstone County, Montana

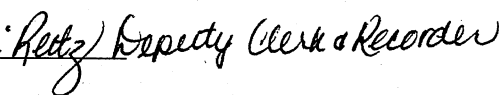
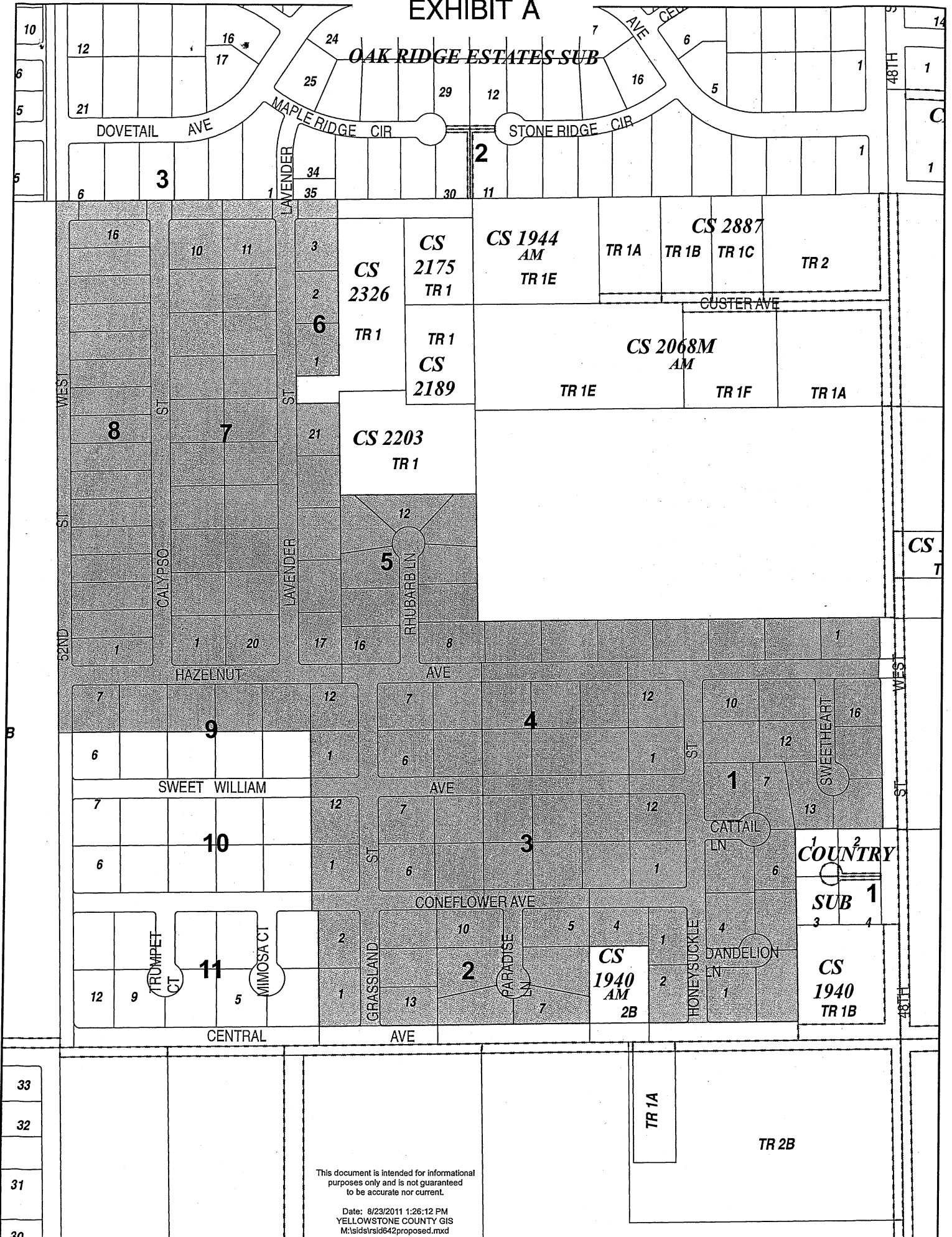

Teri Redtz, Deputy Clerk & Recorder

EXHIBIT A

OAK RIDGE ESTATES SUB



This document is intended for informational purposes only and is not guaranteed to be accurate nor current.

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YELLOWSTONE COUNTY GIS
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EXHIBIT B **LEGAL DESCRIPTIONS**

TAX CODE	PROPERTY LEGAL DESCRIPTIONS
1 A25592	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 001, Lot 001, LT 1 BLK 1 WELLS GARDEN ESTATES SUBD 1ST
2 A25593	WELLS GARDEN ESTATES SUBD 1ST 811, S04, T01 S, R25 E, BLOCK 1, Lot 2, LT 2 BLK 1 WELLS GARDEN ESTATES SUBD 1ST
3 A25594	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 001, Lot 003, LT 3 BLK 1 WELLS GARDEN ESTATES SUB 1ST
4 A25595	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 001, Lot 004, LT 4 BLK 1 WELLS GARDEN ESTATES SUBD 1ST
5 A25596	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 001, Lot 005, LT 5 BLK 1 WELLS GARDEN ESTATES SUBD 1ST
6 A25597	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 001, Lot 006, LT 6 BLK 1 WELLS GARDEN ESTATES SUBD 1ST
7 A25598	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 001, Lot 007, LT 7 BLK 1 WELLS GARDEN ESTATES SUBD 1ST
8 A25599	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 001, Lot 008, LT 8 BLK 1 WELLS GARDEN ESTATES SUBD 1ST
9 A25600	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 001, Lot 009, LT 9 BLK 1 WELLS GARDEN ESTATES SUBD 1ST
10 A25601	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 001, Lot 010, LT 10 BLK 1 WELLS GARDEN ESTATES SUB 1ST
11 A25602	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 001, Lot 011, LT 11 BLK 1 WELLS GARDEN ESTATES SUB 1ST
12 A25603	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 001, Lot 012, LT 12 BLK 1 WELLS GARDEN ESTATES SUB 2ND
13 A25604	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 001, Lot 013, LT 13 BLK 1 WELLS GARDEN ESTATES SUB 2ND
14 A25605	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 001, Lot 014, LT 14 BLK 1 WELLS GARDEN ESTATES SUB 2ND
15 A25606	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 001, Lot 015, LT 15 BLK 1 WELLS GARDEN ESTATES SUB 2ND
16 A25607	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 1, Lot 16, LT 16 BLK 1 WELLS GARDEN ESTATES SUB 2ND
17 A25608	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 002, Lot 001, LT 1 BLK 2 WELLS GARDEN ESTATES SUBD 1ST
18 A25609	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 002, Lot 002, LT 2 BLK 2 WELLS GARDEN ESTATES SUB 1ST
19 A25610	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 2, Lot 4, LT 4 BLK 2 WELLS GARDEN ESTATES SUBD 1ST
20 A25611	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 002, Lot 005, LT 5 BLK 2 WELLS GARDEN ESTATES SUBD 2ND
21 A25612	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 002, Lot 006, LT 6 BLK 2 WELLS GARDEN ESTATES SUBD 2ND
22 A25613	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 002, Lot 007, LT 7 BLK 2 WELLS GARDEN ESTATES SUBD 2ND
23 A25614	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 002, Lot 008, LT 8 BLK 2 WELLS GARDEN ESTATES SUBD 2ND
24 A25615	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 002, Lot 009, LT 9 BLK 2 WELLS GARDEN ESTATES SUBD 2ND
25 A25616	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 002, Lot 010, LT 10 BLK 2 WELLS GARDEN ESTATES SUB 2ND
26 A25617	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 003, Lot 001, LT 1 BLK 3 WELLS GARDEN ESTATES SUBD 1ST
27 A25618	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 003, Lot 002, LT 2 BLK 3 WELLS GARDEN ESTATES SUBD 2ND
28 A25619	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 003, Lot 003, LT 3 BLK 3 WELLS GARDEN ESTATES SUBD 2ND
29 A25620	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 003, Lot 004, LT 4 BLK 3 WELLS GARDEN ESTATES SUBD 2ND
30 A25621	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 003, Lot 009, LT 9 BLK 3 WELLS GARDEN ESTATES SUBD 2ND
31 A25622	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 003, Lot 010, LT 10 BLK 3 WELLS GARDEN EST 2ND FILING
32 A25623	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 003, Lot 011, LT 11 BLK 3 WELLS GARDEN ESTATES SUB 2ND
33 A25624	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 003, Lot 012, LT 12 BLK 3 WELLS GARDEN ESTATES SUB 1ST
34 A25625	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 004, Lot 001, LT 1 BLK 4 WELLS GARDEN ESTATES SUBD 1ST
35 A25626	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 004, Lot 002, LT 2 BLK 4 WELLS GARDEN ESTATES SUBD 2ND FIL
36 A25627	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 004, Lot 003, LT 3 BLK 4 WELLS GARDEN ESTATES SUBD 2ND
37 A25628	WELLS GARDEN ESTATES SUBD 2ND 811, S04, T01 S, R25 E, BLOCK 004, Lot 004
38 A25629	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 004, Lot 009, LT 9 BLK 4 WELLS GARDEN ESTATES SUBD 2ND
39 A25630	WELLS GARDEN ESTATES SUBD 2ND 811, S04, T01 S, R25 E, BLOCK 004, Lot 010
40 A25631	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 004, Lot 011, LT 11 BLK 4 WELLS GARDEN ESTATES SUB 2ND
41 A25632	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 004, Lot 012, LT 12 BLK 4 WELLS GARDEN ESTATES SUB 1ST
42 A25633	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 005, Lot 001, LT 1 BLK 5 WELLS GARDEN ESTATES SUBD 2ND
43 A25634	WELLS GARDEN ESTATES SUBD 1ST 811, S04, T01 S, R25 E, BLOCK 5, Lot 2, LT 2 BLK 5 WELLS GARDEN ESTATES SUBD 1ST
44 A25635	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 005, Lot 003, LT 3 BLK 5 WELLS GARDEN ESTATES SUBD 1ST
45 A25636	WELLS GARDEN ESTATES SUBD 1ST 811, S04, T01 S, R25 E, BLOCK 5, Lot 4, LT 4 BLK 5 WELLS GARDEN ESTATES SUBD 1ST
46 A25637	WELLS GARDEN ESTATES SUBD 1ST, S04, T01 S, R25 E, BLOCK 005, Lot 005, LT 5 BLK 5 WELLS GARDEN ESTATES SUBD 1ST
47 A25638	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 005, Lot 006, LT 6 BLK 5 WELLS GARDEN ESTATES SUBD 2ND
48 A25639	WELLS GARDEN ESTATES SUBD 2ND, S04, T01 S, R25 E, BLOCK 005, Lot 007, LT 7 BLK 5 WELLS GARDEN ESTATES SUBD 2ND
49 A25757	WELLS GARDEN ESTATES SUBD 3RD, S04, T01 S, R25 E, BLOCK 2, Lot 11, LT 11 BLK 2 WELLS GARDEN ESTATES SUB 3RD
50 A25758	WELLS GARDEN ESTATES SUBD 3RD, S04, T01 S, R25 E, BLOCK 002, Lot 012, LT 12 BLK 2 WELLS GARDEN ESTATES SUB 3RD
51 A25759	WELLS GARDEN ESTATES SUBD 3RD, S04, T01 S, R25 E, BLOCK 002, Lot 013, LT 13 BLK 2 WELLS GARDEN ESTATES SUB 3RD
52 A25760	WELLS GARDEN ESTATES SUBD 3RD, S04, T01 S, R25 E, BLOCK 003, Lot 005, LT 5 BLK 3 WELLS GARDEN ESTATES SUBD 3RD
53 A25761	WELLS GARDEN ESTATES SUBD 3RD 811, S04, T01 S, R25 E, BLOCK 003, Lot 006
54 A25762	WELLS GARDEN ESTATES SUBD 3RD, S04, T01 S, R25 E, BLOCK 003, Lot 007, LT 7 BLK 3 WELLS GARDEN ESTATES SUBD 3RD

TAX
CODE[illegible]

EXHIBIT B
LEGAL DESCRIPTIONS

TAX CODE	PROPERTY LEGAL DESCRIPTIONS
110 A27366	WELLS GARDEN ESTATES SUBD 4TH, S04, T01 S, R25 E, BLOCK 008, Lot 008, LT 8 BLK 8 WELLS GARDEN ESTATES SUBD 4TH
111 A27367	WELLS GARDEN ESTATES SUBD 4TH, S04, T01 S, R25 E, BLOCK 008, Lot 009, LT 9 BLK 8 WELLS GARDEN ESTATES SUBD 4TH
112 A27368	WELLS GARDEN ESTATES SUBD 4TH, S04, T01 S, R25 E, BLOCK 008, Lot 010, LT 10 BLK 8 WELLS GARDEN ESTATES SUB 4TH
113 A27369	WELLS GARDEN ESTATES SUBD 4TH, S04, T01 S, R25 E, BLOCK 8, Lot 11, LT 11 BLK 8 WELLS GARDEN ESTATES SUB 4TH
114 A27370	WELLS GARDEN ESTATES SUBD 4TH, S04, T01 S, R25 E, BLOCK 008, Lot 012, LT 12 BLK 8 WELLS GARDEN ESTATES SUB 4TH
115 A27371	WELLS GARDEN ESTATES SUBD 4TH, S04, T01 S, R25 E, BLOCK 008, Lot 013, LT 13 BLK 8 WELLS GARDEN ESTATES SUB 4TH
116 A27372	WELLS GARDEN ESTATES SUBD 4TH, S04, T01 S, R25 E, BLOCK 008, Lot 014, LT 14 BLK 8 WELLS GARDEN ESTATES SUB 4TH
117 A27373	WELLS GARDEN ESTATES SUBD 4TH, S04, T01 S, R25 E, BLOCK 008, Lot 015, LT 15 BLK 8 WELLS GARDEN ESTATES SUB 4TH
118 A27374	WELLS GARDEN ESTATES SUBD 4TH, S04, T01 S, R25 E, BLOCK 008, Lot 016, LT 16 BLK 8 WELLS GARDEN ESTATES SUB 4TH
119 A27375	WELLS GARDEN ESTATES SUBD 4TH, S04, T01 S, R25 E, BLOCK 009, Lot 007, LT 7 BLK 9 WELLS GARDEN ESTATES SUBD 4TH
120 A27376	WELLS GARDEN ESTATES SUBD 4TH, S04, T01 S, R25 E, BLOCK 009, Lot 008, LT 8 BLK 9 WELLS GARDEN ESTATES SUB 4TH
121 A27377	WELLS GARDEN ESTATES SUBD 4TH, S04, T01 S, R25 E, BLOCK 009, Lot 009, LT 9 BLK 9 WELLS GARDEN ESTATES SUBD 4TH
122 A27378	WELLS GARDEN ESTATES SUBD 4TH, S04, T01 S, R25 E, BLOCK 009, Lot 010, LT 10 BLK 9 WELLS GARDEN ESTATES SUB 4TH
123 A27379	WELLS GARDEN ESTATES SUBD 4TH, S04, T01 S, R25 E, BLOCK 009, Lot 011, LT 11 BLK 9 WELLS GARDEN ESTATES SUB 4TH

EXHIBIT C

PROPOSED RSID RECOMMENDATIONS FOR AD HOC COMMITTEE

	<u>NAME</u>	<u>TELEPHONE NUMBER</u>
1.	Allen McCormick 430 Lavender St., Billings, MT 59106	(406) 652-1266
2.	Gerald Wall 311 Rhubarb Ln., Billings, MT 59106	(406) 656-7746
3.	Shaun Reichenbach 502 Lavender St., Billings, MT 59106	(406) 425-8877 (M)
4.	Steven Pascal 310 Rhubarb Ln., Billings, MT 59106	(406) 652-3361
5.	Donna Siroky 5018 Sweet William Ave., Billings, MT 59106	(406) 651-0584
6.	David Fox 326 Rhubarb Ln., Billings, MT 59106	(406) 656-8508
7.	Ingrid Gustafson 626 Lavender St., Billings, MT 59106	(406) 656-2740
8.	Jon Bergendahl 5010 Sweet William Ave., Billings, MT 59106	(406) 652-3669
9.	Kevin Siroky 5018 Sweet William Ave., Billings, MT 59106	(406) 860-5991

**NOTICE OF INTENT TO CREATE
A RURAL SPECIAL IMPROVEMENT DISTRICT TO BE KNOWN AS R.S.I.D. #798M
(WELLS GARDEN SUBDIVISION 1ST TO 4TH FILINGS – ROADS)**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Yellowstone County, Montana, intends to create a Rural Special Improvement District for the purpose of assessing costs for the maintenance of Wells Garden Subdivision 1st, 2nd, 3rd and 4th Filings - Roads as also listed in the Resolution of Intent to Create R.S.I.D. #798M on file in the office of the County Clerk and Recorder, Room 401, County Courthouse, 217 N. 27th Street, Billings, Montana.

NOTICE IS FURTHER GIVEN that on Tuesday, October 18, 2011, at 9:30 a.m., in the Commissioners' Board Room 403A, fourth floor of the Yellowstone County Courthouse, the Board of County Commissioners will conduct a hearing and pass upon any and all protests that may be made against the creation of said Rural Special Improvement District. Written protests may be mailed to: Clerk and Recorder's Office, P.O. Box 35001, Billings, MT, 59107, or may be delivered to Room 401, fourth floor, Yellowstone County Courthouse. All protests shall be received by 5:00 p.m., Monday, October 17th, 2011.

For additional information relative to said proposed district, contact the office of the Clerk and Recorder at (406) 256-2785.

DONE BY ORDER of the Board of County Commissioners this 13th day of September, 2011.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

/s/ John Ostlund, Chairman

(SEAL)
ATTEST:

/s/ Jeff Martin, Clerk and Recorder